

AMENDED IN ASSEMBLY MAY 5, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1395

Introduced by Assembly Member Lowenthal

February 21, 2003

An act to add Section 17576.5 to the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1395, as amended, Lowenthal. School facilities.

Existing law requires the governing board of a school district to provide for its pupils, among other things, a sufficient patent flush or chemical water closet at the schoolsite.

~~The bill would additionally express the intent of the Legislature that the governing board of a school district provide every public school pupil with access to sanitary and safe restrooms at the schoolsite.~~

This bill would additionally require the governing board of a school district to develop, by January 1, 2005, a Restroom Facilities Maintenance and Improvement Plan that incorporates the involvement of specified persons and that addresses the issues of the openness, cleanliness, repair, maintenance, and safety of restroom facilities in the district. The bill would require that the information regarding the development of this plan be included in the School Accountability Report Card.

Existing law prohibits changing these provisions except to further its purposes by a bill passed by a 2/3 vote of both houses of the Legislature and signed by the Governor.

This bill would declare that the changes in the School Accountability Report Card provisions further the purposes of those provisions. By requiring the governing board to develop this plan and by requiring that the specified information be added to the school accountability report card, this bill imposes a state-mandated local program.

This bill requires that the governing board of a school district ensure that minimum standards for restroom facilities, as specified, have been met in every school in the school district.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: ~~majority~~ ^{2/3}. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. — Section 17576.5 is added to the Education Code,~~
2 ~~to read:~~

3 ~~17576.5. — It is the intent of the Legislature that a school district~~
4 ~~provide every public school pupil with access to sanitary and safe~~
5 ~~restrooms at the school site.~~

6 *SECTION 1. The Legislature finds and declares all of the*
7 *following:*

8 *(a) Many public school pupils lack access to clean, stocked,*
9 *safe, open, and properly functioning restroom facilities.*

10 *(b) Many public school restroom facilities suffer from neglect,*
11 *vandalism, and dilapidation.*

12 *(c) Handwashing is the first line of defense in the effort to*
13 *prevent communicable diseases.*

14 *(d) Public school pupils are at risk for urinary tract infections*
15 *and other medical conditions due to a lack of regular access to*
16 *clean, stocked, open, and properly functioning restroom facilities.*

1 (e) Pupils with certain medical conditions require access to
2 restroom facilities on a regular basis.

3 (f) The deplorable conditions found in school restrooms are
4 well documented.

5 (g) Every public school pupil is entitled to clean, stocked, safe,
6 open, and properly functioning restroom facilities.

7 SEC. 2. Section 17576.5 is added to the Education Code, to
8 read:

9 17576.5. The governing board of every school district shall do
10 both of the following:

11 (a) By January 1, 2005, develop a plan, to be known as the
12 Restroom Facilities Improvement and Maintenance Plan, that
13 addresses the problems associated with school restroom facilities,
14 meets the minimum standards set forth in subdivision (b), and
15 complies with all of the following:

16 (1) Incorporates the participation of the governing board
17 members, school administrators, teachers, pupils, parents or
18 guardians, and classified staff.

19 (2) Addresses the issues of the openness, cleanliness, repair,
20 maintenance, and safety of restroom facilities in the school district.

21 (3) Details how the plan will be implemented and the progress
22 made toward implementing the plan in the School Accountability
23 Report Card required by Section 33126.

24 (b) Ensure that all of the following minimum standards have
25 been met in every restroom facility in the school district:

26 (1) Toilet fixtures are completely enclosed by stalls that have
27 tight fitting, self closing doors and solid surfaces.

28 (2) There is an adequate supply of toilet paper, hand soap, and
29 a sanitary method by which a pupil can dry his or her hands.

30 (3) There is an appropriate waste receptacle for waste paper
31 and other refuse.

32 (4) The facility has running water that is adequately
33 pressurized.

34 (5) All equipment in the facility is kept operational, clean, and
35 in good repair at all times.

36 SEC. 3. The Legislature finds and declares that this act
37 furtheres the purposes of the Classroom Instructional Improvement
38 and Accountability Act.

39 SEC. 4. Notwithstanding Section 17610 of the Government
40 Code, if the Commission on State Mandates determines that this

1 *act contains costs mandated by the state, reimbursement to local*
2 *agencies and school districts for those costs shall be made*
3 *pursuant to Part 7 (commencing with Section 17500) of Division*
4 *4 of Title 2 of the Government Code. If the statewide cost of the*
5 *claim for reimbursement does not exceed one million dollars*
6 *(\$1,000,000), reimbursement shall be made from the State*
7 *Mandates Claims Fund.*

